

REMARKS/ARGUMENTS

Claims 1-29 are pending. By this Amendment, the Abstract has been rewritten, new claim 29 has been added, and the specification and claims 1, 4, 6, 9-13, 15-18, 21-23, 25, 27 and 28 have been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicants respectfully request the Patent Office to acknowledge receipt of Applicants' claim for priority and the submission of a certified copy of the priority document which was filed on January 13, 2004.

The disclosure was objected to based on informalities noted at page 1 and page 3. By this Amendment, the specification has been amended to eliminate reference to the claims at pages 1 and 3. Withdrawal of the objection is respectfully requested.

The specification was objected to as failing to include the suggested headings. By this Amendment, appropriate ones of the suggested headings have been added to the specification. Withdrawal of the objection is respectfully requested.

Claims 1-28 were objected to based on informalities. The specific objections noted with regard to claims 6, 10 and 15 have been addressed. In claim 10, the biocompatible polymer comprises fluoroethylene plastic (PTFE). In claim 15, the barrier includes at least one portion intended to face the internal organ. Additionally, claim 15 recites means of attachment for securing the barrier to the internal organ and arranged to extend across the internal organ. Thus, it is not necessary to include the verb "is", as suggested in the Office Action.

Reconsideration and withdrawal of the objection are respectfully requested.

Claims 4, 9, 13, 17, 19-21, 23, 27 and 28 were rejected under 35 U.S.C. §112, second paragraph. By this Amendment, the specific concerns outlined in the Office Action have been

addressed. Changes to these claims are for the purposes of clarity only and not to patentably distinguish the claims. Additional changes have been made to these and other claims so as to avoid objections and rejections of the claims.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 2, 4, 5, 9, 11, 14, 15 and 27 were rejected under 35 U.S.C. §102(b) over Jones (U.S. Patent No. 4,202,349). This rejection is respectfully traversed.

Claim 1 is directed to a marker intended to facilitate the location of a determined area of an internal organ transplant during secondary surgical procedures where an earlier surgical procedure has been performed, whereby the internal organ can be native just as it can be a synthetic or autonomic implant and/or a combination of such organs. The area of intervention can be the transition of an anastomosis. The marker comprises a part designed as an implant for securing to the area of intervention during a primary operation to form a tactile barrier or boundary for the surgeon during the secondary operation between the area of intervention and the surrounding tissue. The barrier is comprises of a biocompatible material formed to enclose the area of intervention of the internal organ in a continuous circumferential manner.

Jones does not teach or suggest this subject matter. In particular, Jones is directed to a marker. In contrast to claim 1, the marker of Jones does not form a tactile barrier or boundary formed to enclose the area of intervention of the internal organ in a continuous circumferential manner, as set forth in claim 1. Rather, Jones is directed to a flattened disk that is sutured into place onto a graft.

Claims 2, 4, 5, 9, 11, 14, 15 and 27 depend from claim 1, either directly or indirectly, and are patentable by virtue of that dependency in addition to the additional features they recite, especially in combination with the features recited in claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 4-12, 14-24, 27 and 28 were rejected under 35 U.S.C. §102(b) over Shifrin et al. (U.S. Patent No. 5,476,471). This rejection is respectfully traversed.

The subject matter of claim 1 is set forth above. Shifrin et al. discloses a device for correcting vascular junctions especially for varicose or spider veins. Claim 1 is directed to a marker that is intended to be placed on a transplant organ. The device of Shifrin et al. differs from claim 1 in that it is not intended to be placed on a transplant organ but on an intact varicose vein. A varicose vein must always be an intact vein having no area of intervention because otherwise it would not be a varicose vein.

Claims 4-12, 14-24, 27 and 28 depend from claim 1, either directly or indirectly, and are patentable by virtue of that dependency, especially in combination with the features recited in claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 9-11, 13, 25, and 26 were rejected under 35 U.S.C. §102(b) over Lombardi et al. (U.S. Patent No. 5,824,042). This rejection is respectfully traversed.

Lombardi et al. discloses a vascular implant. In contrast to claim 1, the device of Lombardi et al. differs in that it is not formed to enclose the area of intervention of the internal organ in a continuous circumferential manner, as recited in claim 1. In Lombardi et al., the device is a stent-graft or an endoluminal prosthesis in the form of a flexible tubular liner that is intended to be placed inside a weak blood vessel.

Claims 9-11, 13, 25 and 26 are dependent from claim 1, either directly or indirectly, and are patentable by virtue of that dependency, especially in combination with the subject matter of claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-4, 9-12, 14-24, 27 and 28 were rejected under 35 U.S.C. §103 over Shifrin et al. in view of Neisz et al. (U.S. Patent No. 6,652,450). This rejection is respectfully traversed since Shifrin et al., as described above, does not teach or suggest a biocompatible polymer barrier formed to enclose the area of intervention of the internal (transplant) organ in a continuous circumferential manner. In addition, Neisz et al. does not disclose or suggest the subject matter, and nor was it relied upon for such disclosure.

Claims 2-4, 9-12, 14-24, 27 and 28 depend from claim 1, either directly or indirectly, and are patentable by virtue of that dependency, especially in combination with the subject matter of claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

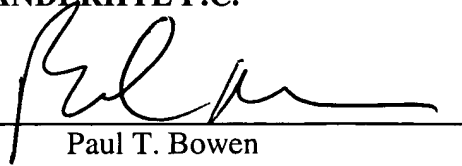
In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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